

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION
NOTICE OF PUBLIC HEARING AND COMMENT PERIOD

PROPOSED AMENDMENTS

The Massachusetts Commission Against Discrimination, pursuant to M.G.L. c. 30, § 2 and under the authority of M.G.L. c. 151B, §3, ¶ 15, hereby gives notice of public hearing and comment period on the proposed amendment of 804 CMR 1.15 (7)(a), 804 CMR 1.15 7 (c) (1) and 804 CMR 1.15 7 (c) (1) governing Motions for Reconsideration of Probable Cause. The proposed amendments follow:

804 CMR 1.15 (7) (a) Probable Cause. A finding of Probable Cause shall be made when, after appropriate investigation, the Investigating Commissioner concludes that there is sufficient evidence upon which a fact-finder could form a reasonable belief that it is more probable than not that the respondent committed an unlawful practice.

In making this determination, the investigating commissioner or designee thereof shall not resolve disputes involving genuine issues of material fact.

804 CMR 1.15 (7) (c) Reconsideration of Probable Cause –

Motion for Reconsideration

a. A respondent may move for reconsideration of the probable cause finding within thirty (30) days of the probable cause finding.

d. In the event that an Investigating Commissioner does not render a decision on a Motion to Reconsider a Probable Cause finding within the time period specified in paragraph (c), above, the motion shall be deemed denied.

2 Reversal or modification of a Probable Cause determination, shall be considered to have satisfied any requirement for a Preliminary Hearing of Lack of Probable Cause, pursuant to 804 CMR 1.15(7)(d).

A public hearing will be held on Tuesday, July 15th, 2008 from 1p.m. to 4p.m. at One Ashburton Place, and on Wednesday, July 16th, 2008 from 1p.m. to 4p.m. at 436 Dwight Street, Room 305, Springfield, MA 01103. All interested parties will be afforded the opportunity to provide oral and written testimony. Parties wishing to give oral testimony on the proposed regulations are asked to sign in at the beginning of the public hearing. The sign-in sheet will govern the order in which testimony will be received. Written comments should be sent to the General Counsel at the Massachusetts Commission Against Discrimination, One Ashburton Place, 6th Floor, Boston, MA 02108 and must be received no later than Thursday, July 10th, 2008. Copies of the proposed regulations may be obtained by contacting Keith Healey at 617.994.6147 or by viewing our website at www.mass.gov/mcad